



Martha S. Hogerty
Public Counsel

State of Missouri

Bob Holden
Governor

Office of the Public Counsel
Governor Office Bldg. Suite 650
P.O. Box 7800
Jefferson City, Missouri 65102

Telephone: 573-751-4857
Facsimile: 573-751-5562
Relay Missouri
1-800-735-2966 TDD
1-800-735-2466 Voice

September 25, 2001

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

FILED³

SEP 25 2001

Missouri Public
Service Commission

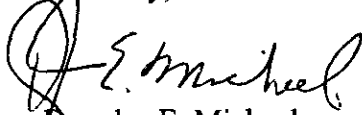
**RE: Laclede Gas Company,
Case No. GT-2001-329**

Dear Mr. Roberts:

Enclosed for filing in the above referenced case, please find the original and 8 copies of **Public Counsel's Objection to Request of Laclede Gas Company to Receive Task Force Report as a Late-Filed Exhibit and Notice of Elimination of Need to Resolve Issue**. Please "file stamp" the extra-enclosed copy and return it to this office. I have on this date mailed, faxed, or hand-delivered the appropriate number of copies to all counsel of record.

Thank you for your attention to this matter.

Sincerely,


Douglas E. Micheel
Senior Public Counsel

DEM:kh

cc: Counsel of record

Enclosure

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

FILED³

SEP 25 2001

Missouri Public
Service Commission

In the matter of Laclede Gas Company's tariff)
filing to implement an experimental fixed price) Case No. GT-2001-329
plan and other modifications to its Gas Supply)
incentive plan.)

**PUBLIC COUNSEL'S OBJECTION TO REQUEST OF
LACLEDE GAS COMPANY TO RECEIVE TASK FORCE REPORT
AS A LATE-FILED EXHIBIT AND NOTICE OF
ELIMINATION OF NEED TO RESOLVE ISSUE**

COMES NOW the Office of the Public Counsel ("Public Counsel") and for its objection to Laclede Gas Company's Request to Receive Task Force Report as a Late-Filed Exhibit and Notice of Elimination of Need to Resolve Issue states as follows:

1. On September 18, 2001 Laclede filed its request to file the Final Report of the Missouri Public Service Commission's Natural Gas Commodity Price Task Force Report as a late-filed exhibit in GT-2001-329. In support of its request Laclede cites 4 CSR 240-2.130(14) and 4 CSR 240-2.130(17).

2. Laclede fails to cite 4 CSR 240-2.110(8) which states in pertinent part:

(8) A party may request that the commission reopen a case for the taking of additional evidence if the request is made after the hearing has been concluded, but before briefs have been filed or oral argument presented, or before a decision has been issued in the absence of briefs or argument.

Despite being aware that the Natural Gas Commodity Price Task Force was going to issue its report sometime in September, Laclede failed to request that the Commission reserve a late-filed exhibit for the Task Force Report and Laclede wholly failed to request the Commission reopen the case to take additional evidence prior to the briefs being filed in this matter. Simply put, the record in this

case is closed and Laclede has failed to follow 4 CSR 240-2.110(8). In fact, the Commission issued its Report and Order in this proceeding on September 20, 2001 with an effective date of October 17, 2001.

3. Moreover, Regulatory Law Judge Hopkins did not request that the Task Force Report be filed as a late-filed exhibit. Nor did any Commissioner make such a request at the hearing. 4 CSR 240-2.130(14) provides in pertinent part: "[t]he presiding officer may require the production of further evidence upon any issue." In this proceeding, the presiding officer did not request any further evidence on any issue before the close of the hearing.

WHEREFORE, Public Counsel requests the Commission deny Laclede Gas Company's request to receive the Task Force Report as a late-filed exhibit and for such other relief as the Commission deems appropriate.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

BY:



Douglas E. Micheel, Esq. (Bar No. 38371)

Senior Public Counsel

P. O. Box 7800, Suite 650

Jefferson City, MO 65102

Telephone : (573) 751-5560

Fax: (573) 751-5562

dmicheel@mail.state.mo.us

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been faxed, mailed or hand-delivered to the following counsel of record on this 25th day of September, 2001:

Thomas R. Schwarz, Jr.
Deputy General Counsel
Missouri Public Service Commission
P. O. Box 360
Jefferson City MO 65102

Michael C. Pendergast
Laclede Gas Company
720 Olive Street, Room 1520
St. Louis, MO 63101

Diana M. Vuylsteke
Bryan Cave, LLP
211 N. Broadway, Suite 3600
St. Louis, MO 63102

Thomas M. Bryne
Ameren Services Company
1901 Chouteau Avenue
P. O. Box 66149
St. Louis, MO 63166-0149

Dean L. Cooper
Brydon, Swearengen & England, P.C.
P. O. Box 456
Jefferson City, MO 65102

